

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Russell J. Antieau and
Jodie L. Antieau,

Plaintiffs,

CASE NO: 15-12492
Hon. Victoria A. Roberts

v.

Bank of America, N.A.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

Plaintiffs filed a lawsuit alleging wrongful foreclosure in connection with a home located at 9444 Main Street, Township of Northfield, Michigan. Defendant Bank of America filed Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). Bank of America seeks dismissal of the entire complaint with prejudice and an award of costs and attorneys' fees. Plaintiffs did not respond; the time to file respond has expired.

When reviewing a Rule 12(b)(6) motion to dismiss, the Court treats all well-pled allegations in the complaint as true. Dismissal is proper only if it appears beyond doubt that the plaintiff can prove no set of facts in support of the claims that would entitle him or her to relief." *Zaluski v. United Am. Healthcare Corp.*, 527 F.3d 564, 570 (6th Cir. 2008).

Viewing the facts in a light most favorable to the Plaintiffs, the Court **GRANTS** Defendants' Motion. Bank of America's request for fees and costs is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 28, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on September 28, 2015.

s/Linda Vertriest
Deputy Clerk